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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,030	07/11/2003	Todd Christopher Larson	KCC 4956 (K-C 19,065)	4007
321	7590	01/20/2006	EXAMINER	
SENNIGER POWERS ONE METROPOLITAN SQUARE 16TH FLOOR ST LOUIS, MO 63102			THOMPSON, CAMIE S	
			ART UNIT	PAPER NUMBER
			1774	

DATE MAILED: 01/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/618,030	<b>Applicant(s)</b> LARSON ET AL.	
	<b>Examiner</b> Camie S. Thompson	<b>Art Unit</b> 1774	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on Election filed 9/20/05.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 72-124 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 72-124 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/24/03; 5/3/04; 6/7/04; 11/05/04</u> | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Applicant's election of group II, drawn to an absorbent article, without traverse is acknowledged.
2. Examiner acknowledges cancelled claims 1-71.
3. Examiner acknowledges newly added claims 72-124.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 72-124 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olson et al., U.S. Patent Number 6,645,190 in view of WO 98/40223.

Olsen discloses an absorbent article that includes an absorbent assembly is located between an outer cover and a bodyside liner (see column 8, lines 26-46). Column 10, lines 45-69 of the reference discloses a substrate that comprises a graphic. Additionally, the graphic is a registered graphic. The reference also discloses that any suitable design can be used. The Olsen reference discloses that the substrate can be a non-woven web or film (see column 2, lines 48-68 and column 7, lines 1-22). The Olsen reference does not provide a specific graphic. The European reference discloses a substrate that bears a non-visible image formed from at least two fluorescent and/or phosphorescent inks, both or all of which are capable of being excited by a single band of non-visible radiation (see abstract). The European reference discloses that the

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inks produce visible radiation of two or more different colors, with differing areas of the image displaying different colors so that a full color image becomes visible. Also, the reference discloses that the graphic is registered (see page 1). Figure 1 in the European reference discloses at least a portion of the non-phosphorescent region and at least a portion of the phosphorescent region being in an overlapping region with each other (also see page 3). Paragraph 4 on page 4 of the European reference discloses that the two or more fluorescent inks should be present on the substrate in the form of discrete dots. Also on page 4 of the European reference, it is disclosed that the fluorescent region is visibly distinguishable and is colored. The European reference discloses that the substrate bearing only non-visible images can combine with another substrate bearing visible images. A graphic which bears a fluorescent and/or phosphorescent provide identification and aesthetics to the substrate to which it is applied. Therefore, it would have been obvious to one of ordinary skill in the art to apply the graphic of the European reference to the absorbent article of the Olsen reference in order to have a design that is aesthetically and functionally pleasing to the wearer.

### ***Double Patenting***

6. Claims 72-124 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-23 of copending Application No. 10/748,616 in view of Olson et al., U.S. Patent Number 6,645, 190. Both the present application and the co-pending application recite an absorbent article comprising an absorbent body and an

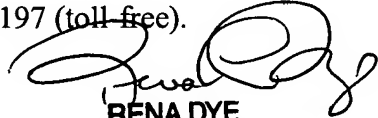
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outercover wherein the outercover comprises at least one non-photoluminescent graphic and at least one photoluminescent graphic wherein the non-photoluminescent and the photoluminescent regions define an overlapping region. The co-pending application does not provide for a liner. Olsen discloses an absorbent article that includes an absorbent assembly is located between an outer cover and a bodyside liner (see column 8, lines 26-46). Column 10, lines 45-69 of the reference discloses a substrate that comprises a graphic. Additionally, the graphic is a registered graphic. The reference also discloses that any suitable design can be used. A liner is used to permit liquid to readily penetrate through its thickness. Therefore, it would have been obvious to one of ordinary skill in the art to have a liner in the co-pending application in order to present a relatively dry surface to the wearer.

This is a provisional obviousness-type double patenting rejection.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Camie S. Thompson whose telephone number is (571) 272-1530. The examiner can normally be reached on Monday through Friday from 7:30 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena L Dye, can be reached at (571) 272-3186. The fax phone number for the Group is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

  
RENA DYE  
SUPERVISORY PATENT EXAMINER

A.U. 1774 12/22/05